?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 23.10.2018

*CORAM

THE HON-BLE MR.JUSTICE N.ANAND VENKATESH

+CRL.O.P.(MD)Nos.16913 of 2016
and 16914 of 2016
and
CRL.M.P.(MD)No.8356 of 2016

#G.Baladhandaudabani .. Petitioner (in both petitions)

~vs~

$A.Sivakumar .. Respondent (in both petitions)

Prayer in CRL.O.P.(MD)No.16913 of 2018: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned docketal order dated 18.07.2016 in S.T.C.No.318 of 2012 on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magistraterial Level, Madurai and quash the same and consequently permit this petitioner to cross examine the CW~1 Manivannan and produce the defence side evidence.

Prayer in CRL.O.P.(MD)No.16914 of 2018: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned order dated 08.08.2016 in Cr.M.PNo.6196 of 2016 in S.T.C.No.318 of 2012 on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magistraterial Level, Madurai and quash the same and consequently permit this petitioner to cross examine the CW~1 Manivannan and produce the defence side evidence.
(in both petitions )
!For Petitioner : Mr.R.Narayanan

^For Respondent : Mr. M.Solaisamy

:COMMON ORDER

These Criminal Original Petitions have been filed challenging the order passed by the court below in Cr.M.P.No.6196 of 2016, dismissing the 311 Cr.P.C application filed by the petitioner and also closing the evidence on the side of the accused.

2.The complaint in this case was filed in the year 2010 and thereafter, it was transferred to the file of the learned Judicial Magistrate No.I, Madurai and was re~numbered in the year 2012. While the complaint was

pending, the court wanted to examine a particular witness. The said witness appeared before the court on 27.04.2014 and he was examined as CW.1. Thereafter, the petitioner did not cross examine the said witness and the case was continuously adjourned. Thereafter, on 17.02.2015, the court below closed the defence side evidence and posted the case for arguments. Thereafter, after a period of 1 « years, the petitioner choose to file a petition under Section 311 of Cr.P.C and re~call the very same court witness, who was examined as CW1 before the court below. The court below has passed a detailed order while dismissing the petition. The court below has found that the petitioner did not take any steps to call the witness on his own. It was the court which called this witness as a court witness and in respect of the same, the petitioner did not cross examine that witness inspite of giving sufficient opportunity. Therefore, the court below has found that the petitioner had dragged on the proceedings successfully for more than 6 years and the entire attempt made by the petitioner is to keep the proceedings pending. The court has also took into account the fact that the matter has been pending from 24.12.2010 onwards.

3.This Court is in total agreement with the findings of the court below. This Court does not find any grounds to entertain the Criminal Original Petitions filed by the petitioner.

4.This Court is also convinced that the petitioner has successfully dragged on the proceedings for the last 6 years in 138 complaint, that was filed for dishonor of a cheque for a sum of Rs.12 lakhs.

5.In the result, these Criminal Original Petitions are dismissed. The Court below is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

To

1.The Judicial Magistrate No.I,
Fast Track Court at Magistraterial Level,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.